

REMARKS

Claims 1-8, 14-24 and 30-32 are pending in the application.

Claims 1-8, 14-24 and 30-32 stand rejected.

Claims 1, 5-7, 14, 16-18, 21-23, 30 and 32 have been amended.

Claims 4, 15, 20, and 31 have been cancelled without prejudice to subject matters contained therein. The subject matters of these claims are incorporated in their respective independent claims.

Claims 34-37 have been added to recite subject matter deleted through present claim amendments to corresponding independent claims.

After present claim amendments, cancellations, and additions, claims 1-3, 5-8, 14, 16-19, 21-24, 30, 32, and 34-37 now remain pending in the application.

Rejection of Claims under 35 U.S.C. §103

Claims 1-8, 14-24 and 30-32 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Sultan, U.S. Patent No. 6,804,657 (Sultan) and Johnson, et al., U.S. Patent No. 6,067,525 (Johnson). The rejections of claims 4, 15, 20, and 31 are moot in view of the present cancellation thereof. Applicants respectfully traverse the obviousness rejections of remaining claims 1-3, 5-8, 14, 16-19, 21-24, 30 and 32 in view of the following remarks and present claim amendments.

In order for a claim to be rendered invalid under 35 U.S.C. §103, the subject matter of the claim as a whole would have to be obvious to a person of ordinary skill in the art at the time the invention was made. *See* 35 U.S.C. §103(a). This requires: (1) the reference(s) must teach or

suggest all of the claim limitations; (2) there must be some teaching, suggestion or motivation to combine references either in the references themselves or in the knowledge of the art; and (3) there must be a reasonable expectation of success. *See* MPEP § 2143.

As discussed hereinbelow, neither Sultan nor Johnson, either alone or in combination, teaches or suggests all the claim limitations recited in the amended independent claims 1, 14, 17, and 30. Furthermore, as discussed below, the Examiner-cited reference Martin (US Patent Application Publication No. US 2002/0107720) also fails to supply the deficiency in the combined teachings of Sultan and Johnson.

Sultan is related to a method of generating a real time global sales forecast for a company. The method includes defining a hierarchical structure for a sales force of the company and also defining a place within the structure for each member of the company. Members of the sales force may remotely enter original pipeline sales information. The pipeline sales information may be selectively modified to generate forecast sales information. However, the original pipeline sales information is maintained unchanged in the database. The stored sales forecast and/or pipeline information may then be selectively aggregated according to the hierarchical structure to generate a real time sales forecast over a selected time period. (Sultan, Abstract.)

Johnson, on the other hand, relates to a sales force automation system which integrates computerized, intelligent automated salesperson support for multiple phases of the sales process. In Johnson, various subsystems related to a sales process are integrated to provide support for all phases of the sales process. (Johnson, Abstract.) The system in Johnson includes an event manager that is coupled to each subsystem to recognize an event carried out by one of the subsystems, to determine the context in which the recognized event occurs, and to automatically

initiate an operation in another subsystem to facilitate a new event in the sales process on the basis of the context in which the recognized event occurs. (Johnson, col. 2, lines 28-35.)

Applicants assert that neither Sultan nor Johnson, either alone or in combination, teaches or suggests all the claim limitations in the amended independent claim 1, which recites a method for generating forecast information corresponding to an organization, wherein the method comprises, in relevant part, “creating a forecast series comprising a set of parameters that define attributes of forecasts that are based thereon...; associating revenue data with identified opportunity data to create at least one revenue schedule containing a plurality of entries; providing a plurality of visual adjustment patterns displaying a corresponding plurality of adjustment values, wherein selection of a visual adjustment pattern by a member of the organization results in an automatic application of the corresponding adjustment value to a member-selected entry in a revenue schedule in a manner depicted by a shape of the selected visual adjustment pattern...; and generating a forecast for...[a] first member of the organization using the set of parameters in the forecast series and based on a forecast submitted by...at least one subordinate member...wherein a forecast for said at least one subordinate member is automatically generated when said at least one subordinate member fails to submit a forecast prior to generation of the forecast for the first member.” (Emphases added.)

The present claim amendments find support throughout the specification of the instant application. For example, the discussion of creation of forecast series and revenue schedules is provided with reference to discussion of Figure 1. The visual adjustment patterns and application of corresponding adjustment values are discussed, for example, with reference to discussion of Figures 18A-18D. The automatic forecast generation aspect is discussed, for example, on pages 19-20 in the specification of the instant application.

Applicants assert that none of the cited references—Sultan or Johnson—teaches or reasonably suggests, either alone or in combination, all the claim limitations recited in the amended independent claim 1. For example, such aspects as the creation of a forecast series and at least one revenue schedule, automatic application of an adjustment value to a revenue schedule using a visual adjustment pattern, and automatic generation of a forecast for a subordinate member are neither taught nor fairly suggested by the combination of these cited references.

Applicants note here that the automatic forecast generation aspect was already recited in the now-cancelled claims 15 and 31. In rejecting claims 15 and 31 in view of Sultan, the Examiner had taken an “Official notice” and relied on Martin as an example of the prior art to support the Examiner’s contention that the “push system” or an automatic option to generate a forecast is “well known.” (*See*, Office Action of July 18, 2007, pages 11-12.) Without acceding to the Examiner’s alleged reasoning in support of the “Official notice,” Applicants assert that the combination of Sultan and Martin is improper. There is no teaching or suggestion of automatic forecast generation in the primary reference of Sultan. Furthermore, Sultan is silent about what happens when a subordinate member in the hierarchical organizational structure in Sultan fails to submit pipeline data prior to generation of forecast sales information by the subordinate’s superior. In view of Sultan’s failure to even recognize the issue of a missing forecast submission and glaring absence in Sultan of an indication or suggestion—even a hypothetical one—of the problem of a missing forecast submission in the context of a forecasting process carried out within a hierarchical organizational structure, Applicants assert that there is no motivation to combine the teachings of Sultan with Martin or any similar reference in the art and there is also no reasonable expectation of success. In this regard, Examiner’s *sua sponte* recognition of a non-

existent “problem” in Sultan and solicitation of the “solution” in Martin is against the requirements of MPEP § 2143 and smacks of hindsight bias. Furthermore, the discussion in Martin is related to forecasting guest demands of an amusement park. In other words, Martin is not even remotely related to a forecasting process carried out by members having hierarchical positions within an organization as required by the amended independent method claim 1.

From the foregoing discussion, Applicants assert that the amended independent claim 1 is not rendered obvious under 35 U.S.C. § 103(a) by the combination of Sultan and Johnson (in view of Martin). The dependent claims 2-3 and 5-8 are also patentable over Sultan and Johnson at least based on their dependence on the allowable independent claim 1. The other independent claims 14, 17, and 30 have been amended to contain at least the limitations similar to those recited above with respect to claim 1. Therefore, the arguments in favor of patentability of claim 1 over the combination of Sultan and Johnson (in view of Martin) equally apply to the patentability of amended independent claims 14, 17, and 30 under 35 U.S.C. § 103(a). Hence, their corresponding dependent claims 16 (claim 14), 18-19 and 21-24 (claim 17), and 32 (claim 30) are also allowable over the combination of Sultan and Johnson at least based on their dependence on the allowable independent claims 14, 17, and 30. Therefore, reconsideration and allowance of claims 1-3, 5-8, 14, 16-19, 21-24, 30, and 32 is respectfully requested.

New Claims

The present response adds new dependent claims 34-37 that depend from the respective allowable independent claims 1, 14, 17, and 30. The new dependent claims 34-37 recite subject matter previously presented in the corresponding independent claims. Thus, Applicants assert that no new matter is added through the present claim additions, and the added claims 34-37 are

allowable over the combination of Sultan and Johnson (in view of Martin) at least based on their dependence on respective allowable independent claims. Therefore, favorable consideration and allowance of new claims 34-37 is respectfully requested.

Miscellaneous Comments

Claims 5-7, 16, 18, 21-23, and 32 have been amended primarily to provide proper claim dependence and/or antecedent support as can be evident from the claim amendments. As before, Applicants assert that no new subject matter is added to the specification through the present claim amendments and additions.

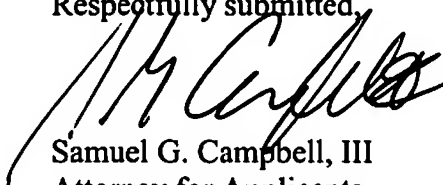
Applicants further assert that Applicants' act of responding to this Office Action should not be construed as Applicants' agreement with the Examiner's proffered reasons for rejecting the pending claims. The claims have been amended herein just to expedite the prosecution of the present application without protracted arguments and further delay. Even though the Applicants have clearly distinguished the currently amended set of claims from teachings in Sultan and Johnson (in view of Martin), Applicants do not waive their right to provide additional arguments in support of patentability of pending claims when necessary.

CONCLUSION

In view of the amendments and remarks set forth herein, the application is believed to be in condition for allowance and a notice to that effect is solicited. Nonetheless, should any issues remain that might be subject to resolution through a telephonic interview, the Examiner is invited to telephone the undersigned at 512-439-5084.

If any extensions of time under 37 C.F.R. § 1.136(a) are required in order for this submission to be considered timely, Applicants hereby petition for such extensions. Applicants also hereby authorize that any fees due for such extensions or any other fee associated with this submission, as specified in 37 C.F.R. § 1.16 or § 1.17, be charged to deposit account 502306.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'S. G. Campbell, III', is written over the typed name.

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